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Order Regarding Motion for Sentence Reduction

UNITED STATES DISTRICT COURT
NORTHERN _____ District of NEW YORK
UNITED STATES OF AMERICA ORDER AND AMENDED JUDGMENT
 REGARDING MOTION FOR SENTENCE
 REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

V.

JOHN ALLEN, JR.

Case Number: 1:00-cr-50-002 (DNH)USM Number: 09964-052

Alexander Bunin, Esq.

Defendant's Attorney

Date of Previous Judgment: April 30, 2001
 (Use Date of Last Amended Judgment if Applicable)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

- DENIED GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _ months is reduced to _ months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)Previous Offense Level: 35Amended Offense Level: _Criminal History Category: VCriminal History Category: _Previous Guideline Range: 262 to 327 monthsAmended Guideline Range: _ to _ months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
 The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
 Other (explain): _____

III. ADDITIONAL COMMENTS

Defendant's original sentence was a departure from the guidelines and a reduction in the guideline range would not result in a sentence less than the original 168 months imposed.

All provisions of the judgment dated April 30, 2001 shall remain in effect.

IT IS SO ORDERED.July 9, 2008

Order Date

Effective Date (if different from order date)

David N. Hurd
 District Judge